

# MOBILE FOOD TRUCK VENDOR APPLICATION

CARTHAGE CITY HALL  
326 GRANT ST.  
CARTHAGE, MO 64836  
(P) 417-237-7000  
(F) 417-237-7002

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Prior to approval/issuance of a City License, a Food Establishment Permit must be issued to the Applicant from the Jasper County Health Department, a Certificate of Occupancy issued by the City of Carthage Public Works Department, and a certificate of no tax due from the Missouri Department of Revenue. Every applicant for a license required by this article shall file with the City Clerk proof of a liability policy covering the applicant's business with at least Fifty thousand dollars (\$50,000.00) in public general liability coverage.

## APPLICANT/BUSINESS OWNER INFORMATION

NAME OF BUSINESS: \_\_\_\_\_

INCORPORATED (Y/N): \_\_\_\_\_ STATE: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

NAME OF PERSON MAKING APPLICATION: \_\_\_\_\_

RELATIONSHIP WITH BUSINESS: \_\_\_\_\_

TELEPHONE NO.: (    ) \_\_\_\_\_ CELL PHONE: (    ) \_\_\_\_\_

MUST COMPLETE

AFTER HOURS CONTACT/ EMERGENCY CONTACT

MUST COMPLETE

NAME

PLEASE PRINT

PHONE ( PREFERABLY CELL)

## UNIT/CONTACT INFORMATION

VEHICLE IDENTIFICATION NO.: \_\_\_\_\_

LICENSE PLATE NO.: \_\_\_\_\_ COLOR OF UNIT: \_\_\_\_\_

MAKE/MODEL/YEAR: \_\_\_\_\_ SALES TAX NO.: \_\_\_\_\_

DESCRIPTION OF EDIBLE GOODS BEING SOLD: \_\_\_\_\_

\_\_\_\_\_

VEHICLE OWNER (if different than the applicant): \_\_\_\_\_

DRIVER'S LICENSE NO.: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

BUSINESS TELEPHONE: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_

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<u>TAXABLE GROSS SALES</u>	<u>LICENSE FEE</u>	<u>FEE</u>
_____ \$0 TO 100,000		\$50.00
_____ \$100,001 TO 300,000		\$100.00
_____ \$300,001 TO 500,000		\$200.00
_____ \$500,001 TO 1,000,000		\$400.00

Has the applicant or any employee been found guilty of one or more criminal offenses involving crimes against property and/or a felony by any Court in this State or any other State?

YES/NO: \_\_\_\_\_ If "YES", list:

<u>CHARGE</u>	<u>PENALTY</u>	<u>DATE</u>	<u>LOCATION (STATE &amp; CITY)</u>
_____			
_____			
_____			
_____			

## APPLICANT CERTIFICATION/ACKNOWLEDGMENT

I hereby state that all information provided on this application is true and accurate, and I understand that any information found to be false or misleading will result in the forfeiture of this license and may result in a one-year wait before a new application can be submitted, as well as criminal prosecution. I also understand that the application fee required by the City is not refundable for any reason. I also certify that the applicant, to my best knowledge and belief, has filed all State tax returns and paid all State taxes required under law. I further acknowledge that I have read the applicable regulations attached to this permit and agree to fully comply with the regulations set forth by the City of Carthage any terms and conditions imposed by the decision making body as they relate to the Mobile Food Vendor Permit.

## RELEASE AND INDEMNITY AGREEMENT

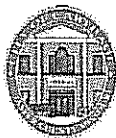
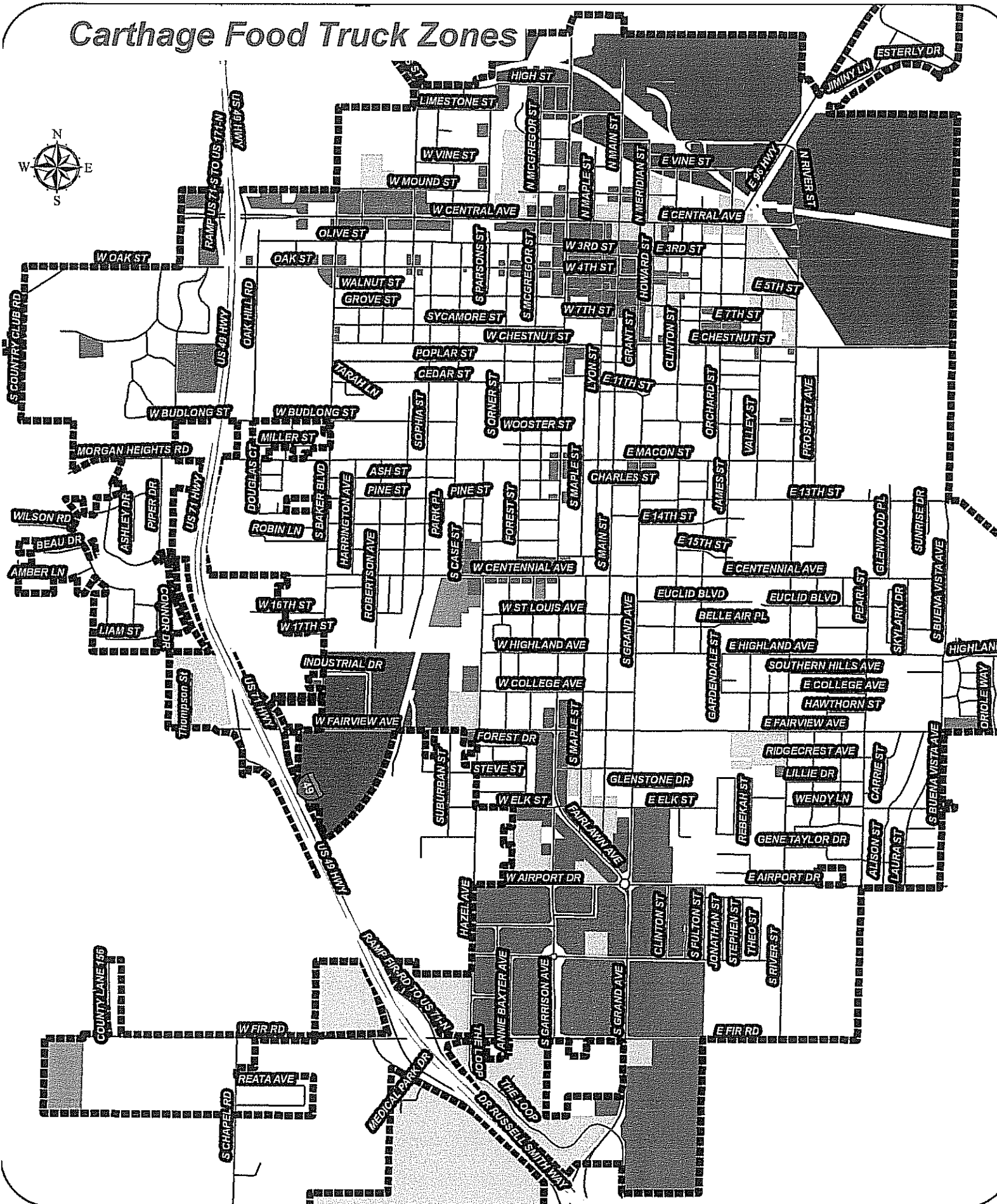
I hereby agree to release, discharge and hold harmless, the City of Carthage, Missouri, and its officers, employees, agents and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the applicant's conduct under this license.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
PHONE



*City of Carthage*  
MISSOURI

## Zoning

-  D - Local Business       F - Light Industrial  
 E - General Business       G - Heavy Industrial

An Ordinance adding Article XIII to Chapter 12 Mobile Food Vendors, to the Code of Carthage.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI** as follows:

**SECTION I:** Chapter 12 Article XIII Mobile Food Vendors, shall be added to the Code of Carthage to read as follows:

Article XIII Mobile Food Vendors,

**Section 12-329. - Scope.**

The provisions of this ordinance apply to mobile food vehicles engaged in the business of cooking, preparing and distributing food or beverage with or without charge upon or in public and private restricted spaces. This ordinance does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks, or food vending pushcarts and stands located on sidewalks, as provided in Section 23-415 of the Code of Carthage.

**Section 12-330. - Definitions.**

MOBILE FOOD VEHICLE --A motorized vehicle which may upon issuance of a license by the City Clerk and in conformance with the regulations established by this ordinance may temporarily park upon a public street and engage in the service, sale or distribution of ready to eat food for individual portion service to the general public directly from the vehicle.

MOBILE FOOD VEHICLE VENDOR --The registered owner of a mobile food vehicle or the owner's agent or employee; and referred to in this ordinance as "vendor".

MOBILE FOOD CART -- A non-motorized push cart that sells prepackaged or ready-to-eat foods on public sidewalks in downtown.

**Section 12-331. - License required.**

- 1) A mobile food vendor license is required for the following:
  - a) Mobile food carts when located on a public sidewalk or right-of-way or located in public or private parking spaces.
  - b) Mobile food trucks.
- 2) A mobile food vendor license is not required for the following:
  - a) Mobile food carts when:
    - i) Conducted in front of a store on private property; and
    - ii) The property owner permission has been obtained; and
    - iii) Not occupying a parking space; and
    - iv) Not impacting pedestrian, bicycle, or motor vehicle traffic circulation or other safety issues.
  - b) Mobile packaged food delivery trucks.
  - c) Neighborhood refreshment stands and other similar products.

### **Section 12-332. - Application for license.**

Applicants for a license under this article, shall file a written sworn application signed by the applicant, if an individual, but all partners, if a partnership and by the president, if a corporation, with the City Clerk, showing:

- 1) The name and the person having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the city;
- 2) The local address of such person while engaged in such business;
- 3) The permanent address of such person;
- 4) The capacity in which such person will act, that is, whether as proprietor, agent or otherwise;
- 5) The name and address of the person for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated;
- 6) The general description of place or places in the city where it is proposed to carry on applicant's business, and the length of time during which it is proposed that such business shall be conducted;
- 7) A statement of the nature, of items to be sold or offered for sale by the applicant in this city;
- 8) Whether or not the person having the management or supervision of the applicant's business has been convicted or plead guilty to a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;
- 9) Credentials from the person for whom the applicant proposed to do business, authorizing the applicant to act as such representative;
- 10) Such other reasonable information as to the identity or character of the person having the management or supervision of applicant's business or the method or place of doing such business as the City Clerk may deem property to fulfill the purpose of this article in the protection of the public good;
- 11) A certificate of no tax due from the Missouri Department of Revenue;
- 12) A license issued by the county for food service and preparation.
- 13) A Certificate of Occupancy issued by the City.

### **Section 12-333. - Contents of license.**

Every license issued under this article shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where such business may be carried on under such license, and the name of the person authorized to carry on such business.

### **Section 12-334. - Application fee; license fee.**

- 1) At the time of application, the applicant for a license as mobile food vendor shall submit a fee pursuant to Article II, Sections 12-26 through 12-33 of the Code of Carthage.

### **Section 12-335 - Public liability insurance.**

Every applicant for a license required by this article shall file with the City Clerk proof of a liability policy covering the applicant's business as follows:

- 1) Every applicant for a license required by this article shall file with the City Clerk proof of a

liability policy covering the applicant's business with at least Fifty thousand dollars (\$50,000.00) in public general liability coverage.

**Section 12-336. - Exhibition of license.**

The license issued under this article shall be posted conspicuously in the place of the business named therein. In the event that such person applying for such license shall desire to do business in more than one (1) mobile food truck within the city, separate licenses may be issued for each mobile food truck, and shall be posted conspicuously in each mobile food truck.

**Section 12-337. - Transfer of licenses.**

No license issued under this article shall be transferred without written consent from the City as evidenced by an endorsement on the face of the license by the City Clerk showing to whom the license is transferred and the date of the transfer.

**Section 12-338. - Revocation of licenses.**

Pursuant to Section 12-116 of the Code of Carthage, The council may revoke any license issued under this division for the violation of any of the terms of this article, but such revocation shall not relieve the licensee from any penalty for violation of this article.

**Section 12-339. - Operational standards.**

In carrying on business within the city, all mobile food vendors shall adhere to the following operational standards:

- 1) All applicable local, state and federal laws shall be obeyed, including, without limitation, building and fire codes related to their equipment and operations, and applicable health regulations.
- 2) No mobile food vendor shall operate except in Districts D, E, F, and G as defined in Section 25 of the Code of Carthage.
- 3) All licenses held hereunder shall be posted and clearly visible upon the location or conveyance where sales are conducted.
- 4) Mobile food vending must be located on a hard surface.
- 5) The vendor must have the written permission of the property owner, when on private property.
- 6) The vendor must have the written permission from the restaurant owner to locate within a fifty-foot (50') radius of a primary entry of a brick or mortar restaurant during the restaurant's posted hours of operation or when open to the public for business.
- 7) Mobile food vending shall not locate within one-half (½) mile (2,640') from the boundary of any entertainment event, special event, or festival requiring street closure unless the vendor has written authorization from the event/festival coordinator/sponsor and the City to operate within the festival boundaries or within one-half (½) mile (2,640') thereof.
- 8) Mobile food vending can locate within a city-owned park only with the written authorization of the City Council.
- 9) Mobile food vending must at all times comply with all applicable legal and regulatory provisions, including, without limitation, health code regulations. Mobile food vending shall not endanger or be detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the mobile food cart or mobile food truck, given

the nature of the activity, its location on the site and its relationship to it.

- 10) Mobile food vending may use up to twenty (20) percent of the parking stalls required for the structure associated with the parking lot in which the vending occurs. Mobile food vending shall not cause a shortage of parking for the primary use on the property on which they are located. Mobile food vending shall not create a shortage of parking for uses on properties surrounding the property on which they are located.
- 11) A mobile food vehicle shall not be parked on the street overnight. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- 12) The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb, lawn or sidewalk when parked. No food service shall be provided on the driving lane side of the truck. No food shall be prepared, sold, or displayed outside of mobile food vehicles.
- 13) No mobile food vehicle vendor shall provide or allow any dining on any public property including but not limited to tables and chairs, booths, stools, benches or stand up counters.
- 14) Customers shall be provided with single service articles such as plastic utensils and paper plates and a waste container for their disposal. All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.
- 15) No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the city noise ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.
- 16) No flashing or blinking lights, or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- 17) The issuance of a mobile food vehicle license does not grant or entitle the vendor to the exclusive use of any service route or parking space to the license holder.
- 18) A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner.
- 19) No mobile food vehicle shall use external signage, bollards, seating or other equipment not contained within the vehicle. When extended, awnings for mobile food vehicles shall have a minimum clearance of 7 feet between the ground level and the lowest point of the awning or support structure.
- 20) Any power required for the mobile food vehicle located on a public way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any City street, alley or sidewalk.

**Section 12-340. - Exemption from other ordinances.**

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**Section 12-341. - Severability.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION II:** This Ordinance shall take effect and be in force from and after its passage and approval.

**PASSED AND APPROVED THIS 10<sup>th</sup> DAY OF November, 2015.**

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**J. Michael Harris, Mayor**

**ATTEST:**

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**Lynn Campbell, City Clerk**

Sponsored by: Public Services Committee